

# “Court in the Act”

A regular newsletter for the entire youth justice community

THE YOUTH COURT OF NEW ZEALAND | TE KŌTI TAIOHI O AOTEAROA

February 2010

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## [The Rangatahi Courts]

*“this name will give a clear identity and coherence to the evolution of this initiative”*

Judge Andrew Becroft  
Principal Youth Court Judge for  
New Zealand

## ‘Te Kooti Rangatahi/The Rangatahi Courts’ – FGC Monitoring Courts on the Marae

With three Rangatahi Courts now operating in the North Island, and considerable interest being shown in them by the New Zealand youth justice community and amongst Maori, it has been decided that the official collective name of these Courts shall be Te Kooti Rangatahi/The Rangatahi Court. According to Judge Heemi Taumaunu, the word Rangatahi was chosen for two main reasons 1. “Rangatahi means youth” and 2. “...rangatahi forms part of the well known proverb Ka pu te ruha, ka hao te rangatahi/The old worn out net is cast aside, and the new net goes fishing”.

Each Rangatahi Court will also have its own name, which will emphasize the relationship between the Court and the Marae where sittings of the Court take place.

The Poho o Rawiri Rangatahi Court (Gisborne) has now commenced its third year of operation with Judge Taumaunu presiding. The Manurewa Rangatahi Court has been operating since October 2009 in South Auckland.

Judge Gregory Hikaka is presiding over that court. The Hoani Waititi Rangatahi Court (Waitakere) is to be launched on 10 March 2010 with Judge Taumaunu primarily presiding over that court also. Discussions are ongoing regarding the launch of other Rangatahi courts.

Principal Youth Court Judge Andrew Becroft says “the new name gives an identity to the process already begun of using the Marae as a venue for the Youth Court to supervise the family group conference plans of young offenders, particularly Maori young offenders”. The Judge says “this name will give a clear identity and coherence to the evolution of this initiative”. “It is not a separate system of youth justice for Maori—as the retention of the name Te Kooti Taiohi o Aotearoa for the Youth Court of New Zealand indicates.” “The youth justice process remains the same, but part of it—the monitoring of FGC plans—takes place on the Marae, and hopefully unlocks the potential of the local marae community to work with the young offender and their whanau.”



Judge Taumaunu sitting at Te Kooti Rangatahi o Poho o Rawiri in Gisborne

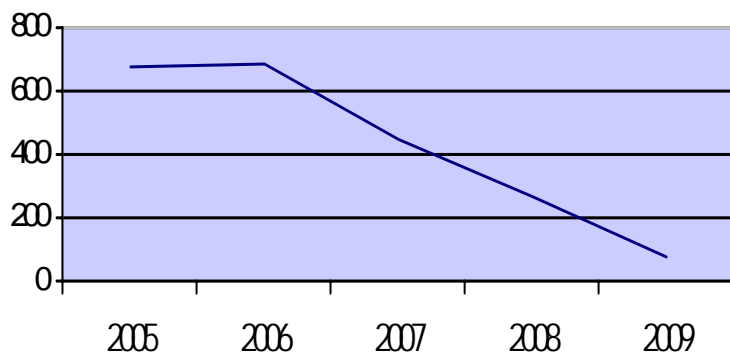
# Child Youth and Family report on key youth justice objectives after two years of increased funding

Government agency Child Youth and Family have reviewed their performance against 6 'key objectives', identified following an increase in youth justice funding in 2007 (see *Court In The Act* Issue 30 July 2007).

Of particular note are the numbers of the three types of supervision orders that have been ordered by the Youth Court over the past three years. These three orders are reserved for the most serious offending by young people sentenced in the Youth Court. Recently released figures from CYF also show a dramatic decrease in numbers of young people held on remand in police cells.

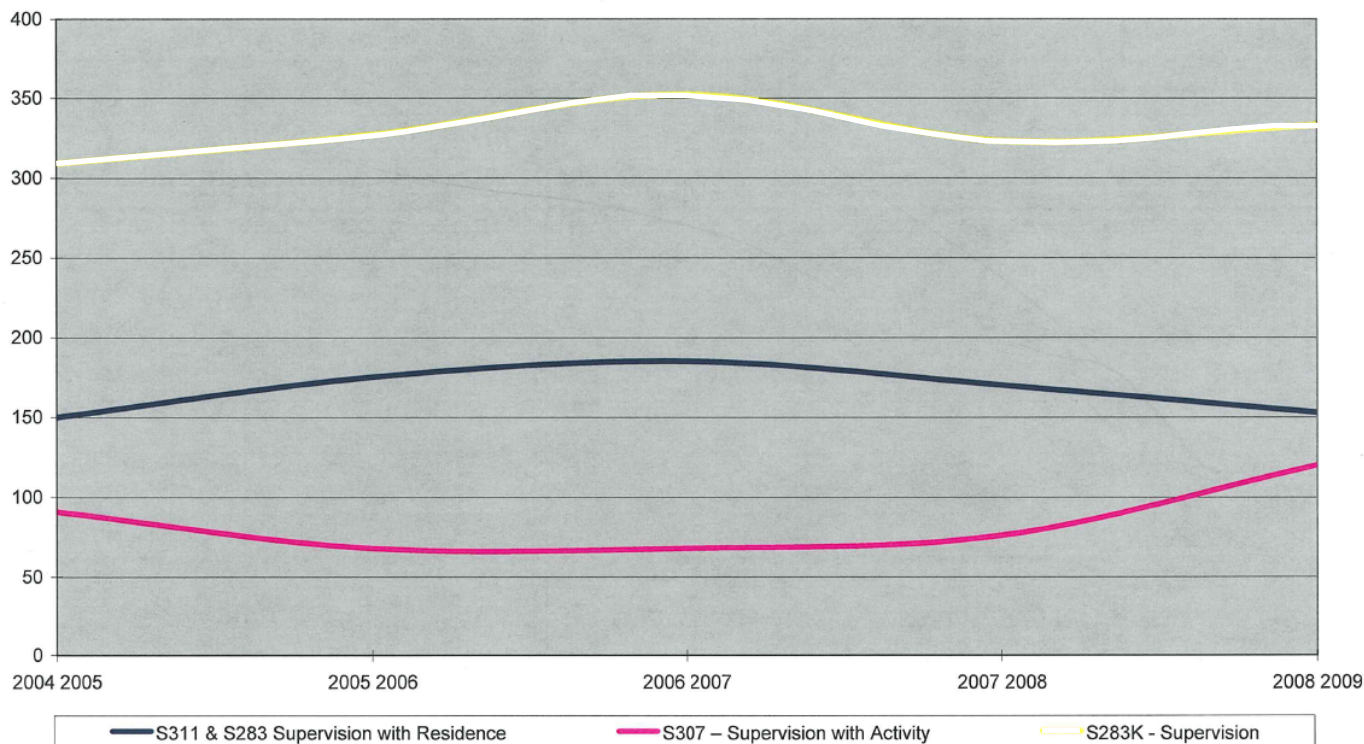
## Young People Held In Police Cells

Source: Child Youth and Family



## 5 Year Comparison of Supervision Orders

Source: Child Youth and Family



*“It is very encouraging to see the continued development of top shelf community based rehabilitation programmes for our serious youth offenders. These are the programmes that can form the basis of the historically under-used supervision with activity sentence. It is the hope of all within the system that supervision with activity orders increase with a consequent reduction in the numbers of supervision with residence orders.”*

Judge Andrew Becroft

# Tension between young people's rights and ideas of restorative justice

In a paper currently under review, Victoria University of Wellington law lecturer Nessa Lynch highlights a lack of critical discussion about the application of restorative justice practices and principles to the treatment of young people in conflict with the law.

The practice and understanding of restorative justice has grown rapidly over the last 25 years. Restorative justice techniques are used in many different situations where harm has been done, laws have been transgressed, or reconciliation is considered necessary. Youth justice authorities, researchers and NGOs throughout the western world have adopted and developed restorative justice programmes more than any other single sector. New Zealand is a leader in this field, prompting Nessa Lynch to comment that our system of family group conferences (FGCs) has influenced youth justice policy in other countries. She attributes this influence particularly to the “evangelical” work of academics Gabrielle Maxwell and Allison Morris.

Looking at connections between restorative justice and youth criminal law, Nessa Lynch points to documents from the UN Committee on the Rights of the Child which advise countries that restorative justice measures should be promoted and implemented where children find themselves in conflict with the law. She sees that the relationship between the UN Convention on the Rights of The Child (the standards-setting document for international youth justice) and ideas of restorative justice is “harmonious”, especially in relation to diversion from the formal criminal justice system and re-integration of the young person back into their community.

Not so harmonious is the way in which youth justice and restorative justice differ in their promotion of rights. Nessa Lynch describes restorative justice as being victim-centred, while juvenile justice is not. She is not certain that this ‘victim-centredness’ complies with international standards that make the best interests of the child a primary consideration.

Lynch also questions the effectiveness of restorative justice approaches for children which promote apologising and genuine remorse, when children do not have the maturity to take full responsibility for their actions. This is despite the dictum in Article 40.1 of the UN Convention on the

Rights of the Child (UNCROC) which states that children who offend should be dealt with in a way that reinforces the child’s respect for the human rights and fundamental freedoms of others.

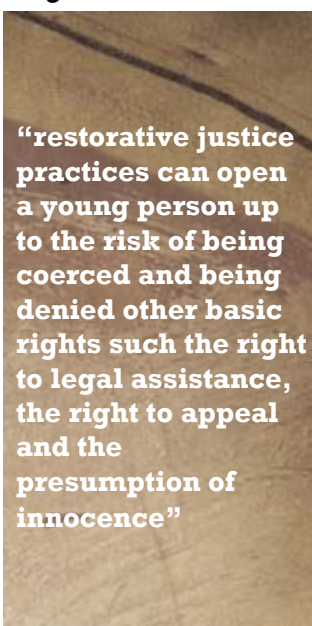
Lynch states that a youth justice system should be offender focussed, and any reparation or compensation to the victim, while a ‘positive aspect’ should not be the primary focus.

She also warns that a typical lack of procedural safeguards in restorative justice practices can open a young person up to the risk of being coerced and being denied other basic rights such

the right to legal assistance, the right to appeal and the presumption of innocence. According to Lynch, proponents of restorative justice argue that procedural protections are not needed because the aims of restorative justice serve a ‘higher purpose’, and that this view is partially explained by the fact that restorative justice proponents often come from religious backgrounds. Lynch also warns that restorative justice proponents, who excuse the need for procedural protections because reconciliation and reintegration are higher purposes than punishment, are being dangerously welfarist.

On the subject of coercion, Lynch criticises restorative justice arguments that deny that coercion of a young person is possible if the young person consents to a plan that results from a restorative justice conference. She cites commentators who question a young offender’s ability to consent, given “major inequalities in bargaining power”, and given a definition of consent that “implies the ability to walk out of the situation without prejudice”.

Lynch advocates for children’s access to legal advice for the purposes of testing the appropriateness and appealability of restorative justice diversionary plans. She also argues that the same procedural protections that protect children’s rights during arrest and investigation by Police should be applied to restorative justice events. She says children and families in these situations are on the ‘back foot’, and, despite pressure to admit their offending, children should



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be told that they will not be prejudiced if they choose to continue to deny the offence. Different outcomes in different regions where restorative justice services are provided by different organisations also present a problem for Lynch. She proposes guidelines that would set minimum and maximum amounts of “punishment units” for particular types of offences. The punishment units could mean community work or reparation payments, depending on the situation.

Lynch also criticises the “rhetoric of empowering families” that is promoted by the restorative justice literature. She says families’ freedom of choice is tightly controlled (because, for instance, families cannot choose to have nothing happen to their young person ) and any freedom to participate in decision making is only within the bounds of what is acceptable to the state.

In conclusion, Nessa Lynch says there needs to be recognition that restorative justice practices designed for adults may need to be modified before they are applied to children. She says modifications are needed because children are less mature, and need to have their due process rights protected. She also says the issue of ‘best interests of the child’ also needs to be addressed.

Finally, Lynch concedes that there needs to be more attention paid to the application of children’s rights in situations where the children are older (16 or 17 yrs) and accused of serious offences.

### **‘Best interests of the child’ in the Children, Young Persons and Their Families Act (CYPFA)**

Section 6 CYPFA states that

“the welfare and interests of the child or young person shall be the first and paramount consideration”

in all matters relating to the administration or application of the Act **EXCEPT** for matters relating to:

- Part 4 (youth justice) and
- Part 5 (procedure in the Youth Court) and
- Sections 351 to 360 (appeals from decisions of the Youth Court).

Note: Interestingly, section 6 DOES apply to provisions outside these parts, such as section 438 (restriction on publication of reports of proceedings).

## From a practitioner

A letter to the Editor, which first appeared in LawTalk, the official publication of the NZ law Society, #742. Reproduced with the permission of the author.

Despite the new freedom for Registrars to assign Youth Advocates to attend Family Group Conferences convened under s247(b) of the Children Young Persons and their Families Act\*, ss259 and 265(2) of the act are still combining to cause difficulty.

We still have s427(b) conferences where no Youth Advocate is assigned, where apparent admissions under s259 are recorded by the coordinator, and where the Record of Decisions is handed to the court under the mandatory provisions of s265(2). Normally this does not cause undue difficulty, because even if the judge has time to read that record, he or she will know to disregard any so-called ‘admissions’ if denials are then entered and the matter proceeds on a defended basis.

Trouble strikes, however, if the police seek to draw the court’s attention to the s259 outcome, either when cross-examining the young person, or worse still, calling other persons who attended the FGC to prove the ‘admission’, a practice which immediately carries the risk of a breach of s271<sup>^</sup>. The other and potentially more serious risk is that the young person then comes to believe rightly or wrongly that things he/she said in a privileged meeting are overtly or covertly influencing the outcome of a defended hearing. Our youth justice system depends on gaining and maintaining the confidence of young people charged with offences, and the current wording of s265(2) has the potential to erode that confidence.

We can either amend s265(2) to exclude s247(b) records, or amend s247(b) to bring it into line with, for instance, the Bill of Rights Act, perhaps

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### Editors’ Notes

\* There has been no actual change to the law. Courts are still only allowed to appoint youth advocates *after* a charge has been laid (s323). Despite this, many Registrars are quite happy to appoint youth advocates to intention-to-charge family group conferences (s247(b)CYPFA) if charges are serious and will eventually come to Court.

<sup>^</sup> Section 37 CYPFA states that no evidence of any information, statement, or admission disclosed in a family group conference shall be admissible as evidence in Court.

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by providing that any 'admission' is kept from the record until charges are laid and a Youth Advocate is appointed and certifies to the court that advice has been offered and understood.

Alternatively, we could easily devise a way to appoint a Youth Advocate prior to the FGC who would be obliged to give that certificate to the

Conference.

This problem was spotted in the Youth Offending Strategy document of 2002, and I wonder if sufficient has been done in the seven years since.

*Richard Swarbrick*

*Youth Advocate, Te Awamutu*

## Military to do more for young offenders and youth at risk

Following the Prime Minister's Employment Summit in February 2009, \$19 million was allocated to the New Zealand Defence Forces to expand their involvement with young offenders and young people at risk of offending. Describing the commonly used term 'boot camp' as "misleading and incorrect", the NZ Defence Forces are also keen to promote their involvement with young people as a service provider alongside agencies such as Child, Youth and Family and the Ministry of Education. The extra \$19 million will be spent over 2 years and channelled into these programmes:

### Youth Life Skills (YLS)

YLS is a dedicated team of military personnel, who provide specialist advice and support to a wide range of youth programmes. These teams are based at Burnham (Christchurch) and Hobsonville (West Auckland) and provide support and assistance for programmes such as School Service Academies, MAC camps, Police Bluelight, and Father And Son.

### Limited Service Volunteer Scheme (LSV)

The LSV scheme has been running at Burnham Camp in Christchurch for the past 26 years. It currently takes around 700 young people every year, with each intake spending 6 weeks learning life skills, as well as physical and mental discipline from a combination of Army, Navy and Airforce teaching personnel. Eligibility for the LSV scheme comes from being aged 17—25, registered with WINZ and being at risk of long term unemployment. Defence Forces proudly state that 45% of LSV graduates go on to get jobs, and another 30% enter some sort of trade-related training within 3 months of completing their course.

Extra government funding means that, from 31 January 2010, the LSV scheme will be delivered from Trentham and Hobsonville military bases, in addition to Burnham. This will push the capacity for places from around 700 to 1,875 every year.

The requirement for extra staff will be met by recruitment from the current Regular Forces and Reserve, as well as ex-service personnel.

### School Service Academies

The Service Academy programme targets students in the last two years of secondary school (Years 12 & 13)

who are struggling academically and have expressed interest in joining the defence forces, or the Fire, Police or Ambulance Services. Service Academy programmes have operated within 11 low decile secondary schools. Students volunteer for the programme and activities are integrated into their normal school academic studies. The Academies are designed to develop personal organisational skills, self confidence and the ability to work in a team environment. Service Academies provide low key military style programmes, which include outdoor activities, tramping and confidence courses. The

New funding for

### Schools hosting Service Academies in 2010



Tikipunga High School (Whangarei)  
Glenfield (North Shore)  
Onehunga (Auckland)  
Tamaki College (Auckland)  
Otahuhu College (Auckland)  
James Cook (Manurewa)  
Kelston Boys (Waitakere)  
Waitakere College  
Tokoroa High School  
Te Kuiti High School  
Gisborne Girls' High School  
Wairoa (East Coast)  
Wanganui City College  
Mana College (Porirua)  
Horowhenua (Kapiti Coast)  
Aranui (Christchurch)  
Mawhera (Greymouth)  
Opihi (Timaru)  
Logan Park (Dunedin)

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Service Academies will expand the list of schools where the programme is available to 19.

### **Military Activities Camps (MAC)**

MAC camps are quite different and are part of the Government's Fresh Start initiative. The camps provide a chance for the Defence Forces to become closely involved with the most serious youth offenders. Forces personnel provide training within the confines of a purpose-built youth residential facility run by the Department of Child, Youth and Family (CYF).

The 2 month camps are a new initiative, and will be run from CYF's Te Puna Wai o Tuhinapo residence in Christchurch. Each camp will act as the

first part of a longer programme for serious youth offenders. Participation in the camps is designed to reinforce self discipline, personal responsibility, community values and address the underlying causes of the young person's offending.

Young people on the camps will receive holistic assessments and their own individual plans, along with vocational or educational programmes, drug and alcohol counselling, literacy, numeracy and life skills development.

The second part of the programme will involve CYF field staff in helping young people transition back into the community, through personal support and mentoring for up to six months.

## **Parenting Support as a youth justice initiative – a Sydenham Youth Justice example**

A Guest article by Kendra Beri, Youth Justice Manager, CYF, Sydenham in Christchurch. Kendra Beri would like to thank Raewyn Tudor, Family Works for her contribution to this article.

### **The Parenting Support Initiative**

For the last 18 months, Sydenham Youth Justice has been working in partnership with Family Works to provide a support service to parents of young people who have offended. The partnership is based on a contractual arrangement and the key characteristics are that:

- we work in a parallel way, enabling us to focus on the young person and Family Works to focus on the parent/caregiver;
- it is a brief (average of 12 contact hours) intervention with parents with the focus on building parenting skills;
- parents must agree to the referral for parenting support;
- referrals are made at the earliest opportunity, usually by a Youth Justice Coordinator when convening a family group conference;
- referrals are actioned by Family Works within 3 days of receipt;
- the service is provided wherever it suits the parent/caregiver- for example, at home or a community venue;

- the service is client-centered but also informed by a youth justice practitioner's analysis of relevant issues.

### **Issues for parents**

Family Works has identified the following as issues that parents are commonly struggling with in the context of parenting their children/youth who offend:

- feelings of powerlessness and exhaustion associated with dealing with the conduct of the young person;
- parent's fear of the young person given previous and current abusive behaviour;
- feelings of shame, embarrassment and failure associated with the offending and a consequent inclination towards isolation;
- dealing with unresolved partner issues that impact on the young person;
- tendency to not see the young person as responsible for the offending and to blame other factors, such as peer group and mental health diagnosis;
- poor role-modelling, for example, around alcohol and drug consumption and anger management;

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- divergent parenting styles ranging from permissive to authoritarian;
- history of ineffective and sometimes abusive consequences for misbehaviour including yelling, screaming, hitting and emotional manipulation;
- impact of mental health issues such as depression and anxiety.

## **Learning**

Our partnership with Family Works to provide a family support service in the context of youth justice has provided some important learning.

First, we have learned that it works to provide a support service to parents and carers as part of a youth justice response. Our initial aim was to reduce re-offending by addressing relevant family issues. However, given the complexity of factors that surround youth offending, it has been difficult to ascertain the impact of parenting support on re-offending rates as distinct from other interventions directly focussed on youth. Nevertheless, a telephone survey with parents/caregivers who had utilised the service, after 12 months of operation, found a high level of satisfaction with the service. This signals positive effects on levels of parental stress and a strengthened confidence by parents in parenting their adolescents. The positive impact of the initiative also spans the siblings of youth offenders with the likely consequence of diverting them from offending.

Secondly, we have learned that wherever possible and always as a first resort, we need to engage with parents on a voluntary and consensual basis. This is consistent with overseas experience (for example, UK, Western Australia) which provides for parenting agreements as a precursor to compulsory parenting orders.

Thirdly, it is important that we work from a supportive and educative ethos that recognises and affirms strengths and unique circumstances. This is crucial to countering the shame and blame that caregivers/parents can feel about their child being in the youth justice system and a consequent

tendency for them to close down and reject assistance.

Fourthly, we need to proactively mitigate the impact of social, economic and cultural barriers to accessing support. Strong features of our service model have been that we offer home-based contact and rapid follow-up on requests for parenting support.

Fifthly, a system of parallel working with a family support agency has the benefits of enabling a focus both on the parent/caregiver and the young person. This provides safety for the parent and supports a young person who is seeking to make positive change. However, working with another agency also brings challenges, particularly around adequate information-sharing and different organisational perspectives.

Lastly, we have learned that both individual and group initiatives have their place. We are currently in the process of working with Family Works to develop a parenting group. This strategy is aimed at encouraging at reducing isolation that is commonly linked with parenting a youth offender, sharing knowledge and building parenting confidence and skills.

## **Conclusion**

Parenting support and education makes sense in the youth justice context. It is consistent with the Children, Young Persons and their Families Act 1989 focus on building stronger families and enabling family decision-making. It recognises that to support change by youth offenders we need to proactively work with their familial environments for the benefit of the young person, his or her siblings and the family as a whole.

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# Ten Myths regarding Alternative Education

By Adrian Schoone (M.A. Hons. B.Ed.), Chairman, Alternative Education National Body

Alternative Education (AE) caters students aged 13 – 15 years who are alienated from mainstream schools. This may be due to multiple suspensions, exclusions, long-term truancy or non-enrolment. Secondary schools are funded by the Ministry of Education to contract providers to deliver AE to 1820 students nation-wide. The AE policy has been in effect since the year 2000 and it is currently under review by the Ministry of Education.

However, the AE sector is becoming as marginalised as the students it caters for. Due to no funding increases to providers for 9 years (including no adjustment to inflation for this period) the system is being strangled, unable to pay its workers a decent wage and provide equipment and resources to meet the needs of these 21<sup>st</sup> century learners. Furthermore, access to support systems (such as GSE) for AE students is minimal. It is a miracle that AE has many success stories and this can only be attributed to those passionately involved in the work.

I have heard a series of myths regarding AE which help to obscure the sector. These myths reflect our prejudice to value traditional approaches to education and barely tolerate anything 'alternative.' Perhaps we fear saying that there is a need for an alternative because what does this tell us about the current system?

## **Myth #1: AE will keep students out of mainstream**

AE is not optional for students. It is a specific educational intervention for alienated students for whom formal schooling is not suitable for a particular time. Mainstream education is the preferred learning environment for almost all students.

The education system in developed countries needs a non-formal education sector. By non-formal education I mean education provision that is outside of the mainstream. In a report to the European Parliament in 1995 the Committee on Culture and Education declared that formal edu-

cational systems alone cannot respond to the challenges of modern society and therefore welcomed its reinforcement by non-formal educational practices.

## **Myth #2: AE was set up to help behaviourally troubled students**

The second myth concerns the nature of those who attend AE programmes. AE was not initiated to help behaviourally troubled students; it was developed by community groups because some of their young people had trouble assimilating into the mainstream system. These students may have been excluded, had multiple suspensions, were truant or never enrolled in the first place. Approximately 70% of students in AE are of Maori or Pasifika descent.

A student can be in AE for up to three years receiving support and educational skills to enable them to either return to mainstream, gain employment or move on to further training.

## **Myth #3: Alternative Education is about Alternatives to Education**

There is a play-on-words about AE providing 'alternatives to education.' This is simply not true. Many providers are NZQA accredited, access the Correspondence School or have relationships with their contracting school that enables stu-

dents to gain qualifications. Therefore AE is a non-formal setting able to provide formal qualifications, which is a remarkable feature of the New Zealand system.

The approach to education in AE is alternative and individualised. The chalk-and-talk pedagogy will simply not work with most AE students who need an approach that centres on the warm and trusting relationship between the teacher and the student.

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*“I thought I would only leave mainstream teaching and management for two years in order to help out an AE provider with the development and implementation of curriculum. Now, some eight years later I am still involved in AE. I am inspired by the passionate AE work-force who strive to make indelible changes to the lives of alienated youths.”*

*Adrian Schoone*



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**Myth #4: Students don't learn anything in AE; they just play table tennis!**

This myth is generated when comparing the achievement of an AE student to a student in mainstream whereby the AE student often falls short. But when we compare what AE students achieve in comparison to the amount of learning the student achieved before they entered AE then the outcomes are impressive.

Data, such as reading comprehension ages and numeracy levels increase markedly for students in AE. AE is effective at laying the foundations for future learning and living. This includes acquisition of social skills, self management, self-esteem, life-skills and the confidence to learn again.

**Myth #5: AE is suitably supported and funded**

Unlike secondary schools, AE has received no increases to their funding since 2000.

Of the current funding of \$11,100 per student, the contracting schools can retrain 10% for administration purposes. If a provider is contracted for 10 places and received 100,000, this would need to cover at least two salaries, rent for premises, often transportation for students, stationery, insurances, and other compliance costs. AE is often derided for the lack of qualified teachers in the sector. The reality is AE simply cannot afford teachers.

**Myth #6: There are 'good' AE providers and 'bad' AE providers**

Anecdotal accounts of 'bad' AE providers often lack substance and this is because AE providers are contracted by schools that carry out extensive quality assurance on AE programmes. Why would schools contract 'bad' AE providers? Therefore if there are 'good' AE providers and 'bad' AE providers equally there are 'good' and 'bad' schools.

**Myth #7: AE staff are unqualified**

A distinguishing feature of the AE worker is that they are able to relate to young people in a way that is empowering, transformative, and results in students engaging in learning again. Qualifications cannot buy this personal trait. AE staff are

drawn from a variety of experience and qualification backgrounds. Registered teachers in AE are needed to work alongside tutors to provide direction for the academic content of the programmes.

Essentially the AE tutor is a *pedagogue*, who, as Educational leadership writer Thomas Sergio-vanni argues, guides academically, socially, and spiritually a young person through the world of childhood to adulthood.

**Myth #8: There is no evidence that AE works**

There is an emerging body of New Zealand research that highlights the effectiveness of AE, for example one finding in the recently released NZCER research report was that that 95% of students in AE enjoyed *learning again* since attending AE. Some material in health research also shows the effective work of AE such as this comment made by

Simon Denny and colleagues: 'secondary schools can look to AE schools to model more supportive and caring environment for students at risk of educational failure.'

I recently provided the Minister of Education with a report entitled '100 AE student success stories', which merely scratched the surface of the countless number of lives transformed through AE.

**Myth #9: Focussing solely on strategies to keep students in mainstream will help alienated students**

Whilst every effort needs to be given to make schools places where students want to be, we need to cater for students who for many complex reasons become alienated from mainstream. Alienated students need to be provided education; as is their legal right.

**Myth #10: AE is the ambulance at the bottom of the cliff**

Although this is true in many respects, there are still youths who fall through this support structure as it stands. Could there be an AAE? There seems to be some research suggesting that this may be the case. In 2006 Counties Manukau District Health Board commissioned research to examine the extent to which young people are alienated

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from the health and education systems in Manukau. Researcher Terry Flemming concluded that there are at least 500 young people non-enrolled and not attending AE, teen parent units, kura kaupapa, or other registered schools.

### **Positioning AE for the future**

In conclusion I recommend the following enhancements to the current system:

1. Appropriate funding for providers that will meet the needs of the AE students.
2. Open access to support agencies for AE students (such as GSE).

## **Leapfrog Clinic – young people and mental health**

Following the success of the one-of-a kind, integrated independent mental health clinic for children and young people in Auckland, the Leapfrog Clinic ([www.leapfrogclinic.co.nz](http://www.leapfrogclinic.co.nz)) is launching a Wellington based service in February 2010. The team will be seeing children and young people up to the age of 21 where there are concerns about their behaviour or emotional well being. We also listen and talk to their families.

### **Mental illness starts young**

One in five young people under 21 has a mental illness. In fact, most mental illnesses begin during youth (12-21 years of age), although they are often first detected later. Delays in diagnosis, failure to involve patients in treatment and poor follow up can lead to further deterioration.

### **Poor outcomes**

Poor mental health in young people is strongly related to other concerns, notably lower educational achievements, substance abuse, violence and other offending, and poor sexual health. Encouraging young people to talk, showing them that there is someone there who can help, often makes a big difference.

### **Leapfrog**

Leapfrog works with Child, Youth and Family Services, District Health Boards, Courts, schools, general practitioners and other child health professionals to provide specialist assessments and

3. Professional development and research funding to enable AE tutor and sector development.

4. The establishment of an AE steering committee that will look at national standards for AE providers.

5. An honest assessment of the AE student numbers; how many places are really needed?

AE is a unique part of education provision in New Zealand that should be celebrated and enhanced. We need to critically examine our assumptions regarding AE and non-formal education, which will lead us to see non-formal education as an opportunity that will best meet the needs of some students who would otherwise not be engaged in education.

goal-oriented treatment packages.

Assessments offered include psychiatric assessment, psychological assessment, neuropsychiatric and neuropsychological assessment, Autism Diagnostic Observation Schedule (ADOS), cognitive testing including the WISC and WPPSI, and the Structured Assessment of Violence Risk in Youth. We also provide Section 333 Psychiatric and Psychological Reports.

The multidisciplinary team provides goal-oriented treatments, including: psycho-education, group work, pharmacological therapies, strategies for parents, cognitive-behavioural therapy, interpersonal therapy, dietician advice, speech and language therapy, and systemic family therapy.

The Leapfrog Clinic was established in May 2008 by Dr Sabina Dosani. Sabina was born in the UK, and trained in medicine at the Medical College of St Bartholomew's Hospital in London. Subsequently, Sabina specialised in psychiatry and later sub-specialised in child and adolescent psychiatry. Before relocating to New Zealand, she worked as Consultant Psychiatrist at the Maudsley Hospital in London, one of the leading research and teaching psychiatry institutions in Europe.

Leapfrog offers psychiatric, psychological and other child and adolescent mental health expertise in the same service.

Each child or adolescent is assessed by a psychiatrist, and a multidisciplinary treatment plan is

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compiled at the end of this appointment. Every young person's treatment plan is overseen weekly by the medical director. Every young person has baseline outcome measurements and these are repeated regularly throughout treatment. All outcome measures are reviewed regularly by the medical director. All staff have specialist training and expertise in working with young people.

This is a brief overview of just some of the conditions we identify and help with:

### **Anxiety**

5%-10% of young people have anxiety problems that are bad enough to affect their ability to live a normal life. Some feel low or sad, lose their appetite or find it difficult to sleep. Others may become so fearful, tense or panicky, they experience strong physical feelings, which give rise to panic attacks. These can cause a young person to shake, sweat or have palpitations that leave them feeling breathless.

Anxiety can also leave a young person with thoughts that life is not worth living. Others become so desperate they may think about running away, feel unable to go out or go to school, consider taking an overdose or of harming themselves in another way.

### **Attention Deficit Hyperactivity Disorder**

Attention Deficit Hyperactivity Disorder (ADHD) is a medical condition affecting the front part of the brain (the frontal lobe) that makes it difficult to control behaviour. Young people with ADHD find it hard to concentrate, are overactive and act impulsively, without thinking through the consequences. These difficulties usually start before seven years of age. ADHD is more common in boys than girls and affects between 3-5% of school age children.

Research suggests the frontal lobe works more slowly in children with ADHD. This may be because children with ADHD don't have enough of certain chemical messengers, called neurotransmitters, needed to send messages between the brain and the body. The two neurotransmitters thought to be in short supply are called dopamine and noradrenaline. When a frontal lobe lacks these, it can't react and respond to information appropriately. For a child with ADHD this means

the outside world rushes in with a flood of noise and images and it is difficult or impossible to decide what's important.

Although ADHD tends to get better as children get older, young people, their families and teachers need to learn how to manage it on an ongoing basis. Medication helps most children with ADHD but around one in five will not gain any benefit from medication. Most children with ADHD have related difficulties, say with reading or behaviour, that need to be targeted with non-drug approaches. Changes to a child's environment at home and in school can improve behaviour.

### **Autism and Asperger's syndrome**

While there is still no cure for autism, many more people are benefitting from early recognition, and there is a growing armoury of evidence based interventions that make life less painful.

### **Depression**

Many teenagers feel depressed, although only 2%-3% will experience symptoms for long enough to be clinically diagnosed with depression. For such a diagnosis to take place, a person must display *five or more* of the following symptoms for at least a two-week period:

- low mood
- loss of interest or pleasure
- feeling sad or empty
- experiencing a marked decrease or increase in appetite
- difficulty in sleeping or oversleeping
- loss of energy or tiredness
- feelings of worthlessness or guilt
- difficulties in concentrating or thinking
- recurrent thoughts of death or suicide

Evidence based talking treatments including cognitive behaviour therapy and interpersonal therapy are often useful. Anti-depressant medication may be recommended, in conjunction with therapy.

### **Obsessive compulsive disorder**

1 in 100 children and adolescents suffer from obsessive-compulsive disorder. A person with ob-

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sessive thoughts, who responds to these with the 'ritual' of carrying out specific compulsive acts, could be suffering from an Obsessive Compulsive Disorder, (OCD). Among adults with OCD, one third to one half develop the disorder during childhood or adolescence.

### **Common obsessive thoughts in young people**

- fears about dirt or contamination
- worrying about harm coming to yourself or others
- feeling angry or violent towards others for no reason
- unwanted sexual thoughts
- worrying about religion or morality

## **Girls offending**

In 2009 a number of New Zealand Youth Court Judges contributed to an online forum organised by Canada's National Judicial Institute ([www.nji-inm.ca](http://www.nji-inm.ca)). One of the topics under discussion was the difference between girls and boys offending. The Ministry of Justice produced the table on page 13, and the following comments were posted by Judges Tony Zohrab (Nelson), Rob Murfitt (New Plymouth) and Paul Geoghegan (Tauranga).

### **Judge Zohrab (Nelson)**

Posted 15 November 2009

Between 1998 and 2007 the number of females aged 10 to 20 apprehended by police in NZ for violence rose 67% (compared to a 47% increase for young males).

Whilst male offenders outnumber female offenders ( 5 to 1 or 4 to 1 depending on what statistics you look at ), the gap is narrowing.

We have seen an increase in young female violence in both the youth court and adult courts. As a consequence this has contributed to the situation that over the last 10 yrs the number of female prison inmates in NZ has more than doubled.

Our Principal Youth Court Judge has observed : " Violence by boys is often vicious, mindless aggression that is "utterly random " and almost always fuelled by alcohol. "With all I have seen of the girls, there's a clear difference. It's planned , it's targeted and it's carefully thought about and talked about, often with a special victim in mind ,

- thoughts about doing something embarrassing or forbidden
- worrying about 'evening-up' or if things are symmetrical
- needing to tell, ask or confess

Sometimes these thoughts and ideas can leave a person feeling compelled to do something in response, which can help to relieve the distress or anxiety these thoughts and ideas caused in the first place. The problem is, these compulsive acts can interfere with the person's everyday life and leave them feeling distressed.

Washing, repeating, checking, touching, hoarding and counting are common compulsions in young people. OCD can be treated with a combination of cognitive behaviour therapy and selective serotonin reuptake inhibitors.

and usually with a past grievance or some issue behind it."

I would agree with those comments and have noted that the violence is personal and very premeditated and for older young women ,just outside the youth court jurisdiction , regularly involves an assault with a glass or bottle to the face.

Dr Donna Swift, a social anthropologist based in Nelson where I sit, is currently running a programme in local schools focusing on prevention of violence and antisocial behaviour. She is also undertaking a 2 year research project on female violence involving 4000 South Island teenagers and young girls.

She states that "Violent girls have broken hearts and bad attitudes because it is people they have trusted who have hurt them." As well as histories of drug and alcohol abuse , gang associations , dysfunctional family backgrounds and an early exit from school, it seems that with young women you can also add into the mix significant rates of sexual and physical abuse.

Dr Swift's research and experience suggest that young women have a different pathway into violence so they need a different pathway out.

Also our experience in NZ suggests that Police

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and social workers find it notoriously difficult to deal with troubled young girls as they are more challenging to authority than boys.

I also note that our research suggests that young girls are less responsive than boys to restorative aspects of FGCs.

Dr Swift ran a programme with a strategy which included education and one on one mentoring with an adult mentor over a 20 week period for 10 young girls. Two years later 7 of them were in full time education or working. Regrettably the initial funding ran out.

It seems that for violent young women we need pretty intensive treatment which is quite costly and at a time where there is already significant pressure on resources and shrinking funding. Re-

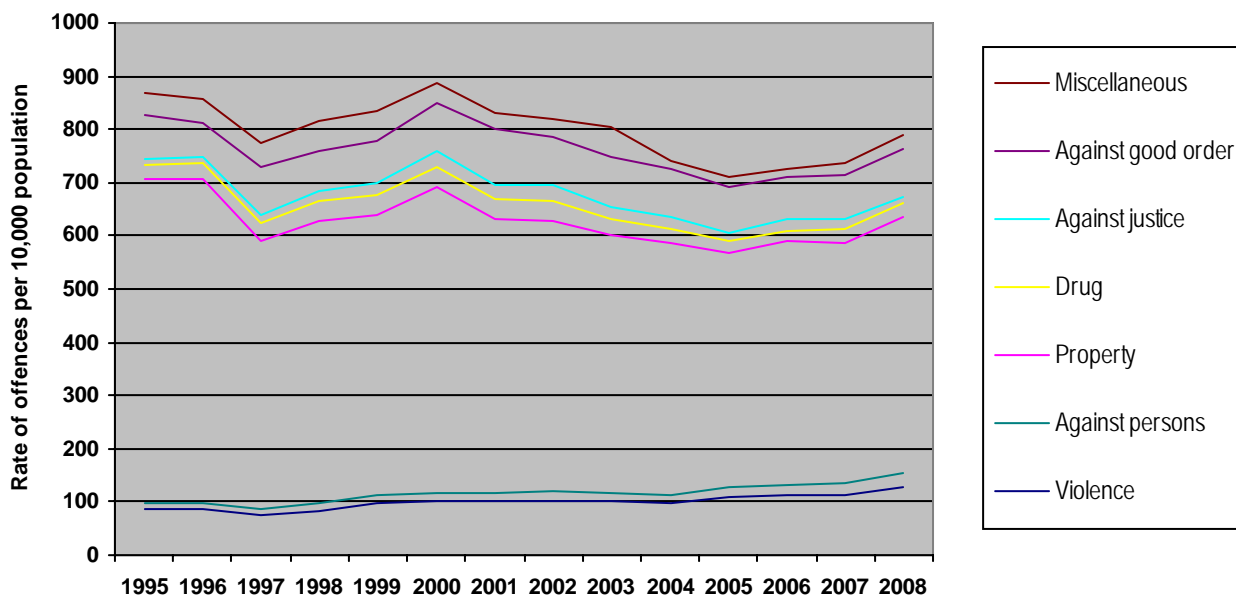
grettably it seems that it is often whilst doing a jail sentence that there is the first real opportunity for many women to get free ACC counselling for sexual abuse.

Our local police have a good relationship with Dr Swift and with the assistance of the family violence and youth services co-ordinator for the Tasman Police, local police have altered the way local officers approach young female offenders.

Based on Dr Swift's research we realise that we have to try a different approach with young women but we have very limited resources with which to do so.

The use of adult mentors is great but I was at our local Big Brothers, Big Sisters award dinner the other night and they have a huge wait list for mentors. We just cannot get enough mentors.

Police apprehension rates per 10,000 population of females aged 14 to 16 years old for non-traffic offences, by offence class, 1995 to 2008



### Judge Murfitt

Posted 15 November 2009

Another comment from a provincial centre in New Zealand, and another where the youth mentoring Trust, Big Brothers Big Sisters, is in place.

The development of female violence is a new frontier in both Youth Justice and generally in Family Law. Interestingly the research is focussing on explanatory and mitigating perspectives, unlike the assessments of male violence, which tend to be condemnatory, and dismissive of exculpatory or mitigating perspectives.

I agree that this a phenomenon which is gaining

higher profile in recent times and needs special attention. Programmes are few enough for male offenders but even fewer for female violent offenders.

I agree there is a significant factor of girls joining in violent scenarios initiated by males but so also do males initiate violence at time when incited by women. The developing trend I think is related to changing patterns of alcohol use by young women and in particular the sweet potent RTDs (ready to drink) concoctions which are marketed to the female population. In the criminal courts and Youth Court I have noted an increase in random violence by girls on girls, always intoxicated and re-

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sponding to peer incitement. This does not seem to be concentrated in any socioeconomic group or ethnic group but does occur in the small hours, in public and in group situations...unlike a lot of male > female violent offending.

### **Judge Geoghegan**

Posted 16 November 2009

I would agree, from a New Zealand perspective, with the comments of Tony and Rob.

At present there is a High Court murder trial within our region regarding the alleged murder of a 78 year old man by young women aged 18 and 15. He was killed in a brutal fashion in his own home as he lay in his bed. There is no question of an increase in the number of young women appearing on charges involving serious violence.

This is also mirrored by my experience dealing with disciplinary hearings at the local College I am involved with.

I would agree that you are likely to see young women charged with offences involving violence than say property offences and this is consistent with what I understand to be the position in the UK. The Youth Justice Board for England and Wales recently released a report titled "Girls and Offending - Patterns, Perceptions and Interventions". The report highlighted a growing concern about the increasing numbers of young women involved in violent offending. They displayed general characteristics of aggression, anger, impulsivity and being easily led.

Tying in with the comments made, I think by Tony, the offenders were described as being generally unremorseful and showing little understanding of the consequences of their offending. Those characteristics could equally apply to young women from NZ. Significantly the report also identified the need to provide gender specific programmes or interventions to effectively deal with the offenders.

### **The Girls Project progressing well with interviews**

The project by Nelson based researcher Donna Swift into girls violence is now at least a third of the way to their projected sample size. At the beginning of December 2009 Swift reported that 1,000 Year 9 and 10 students had filled out questionnaires.

The Girls Project is a survey of the use of violent and anti-social behaviour by New Zealand girls against each other, and against others. The survey hopes to process 3,000 questionnaires from girls aged 13—17 living in the top half of the South Island and the West Coast. Focus groups and individual interviews are also being undertaken.

Lead researcher Donna Swift says she hope to present preliminary findings this year at events in Te Puke (March), Motueka (April) and Taupo (May).

See [www.thegirlsproject.org.nz](http://www.thegirlsproject.org.nz) for more information.

### **Youth Justice Journal Special Issue**

The journal Youth Justice has published what it calls a Special Issue on Girls, Young Women and Youth Justice. This issue has been guest edited by Gilly Sharpe (University of Sheffield) and Loraine Gelsthorpe (University of Cambridge). Go to [yjj.sagepub.com](http://yjj.sagepub.com) for a table of contents and abstracts.

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